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| 08/655,133 | 05/30/96 | TOGNAZZINI | 2060-018 |

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| ART UNIT 2745 | PAPER NUMBER 5 |
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DATE MAILED:

11/03/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/655,133

Applicant(s)
Tognazzini

Examiner
ORGAD EDAN

Group Art Unit
2745



☒ Responsive to communication(s) filed on Aug 17, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3 Claims 1- 8, 10- 12 and 19-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson et al.

Regarding claims 1, 10, 11, 19 and 20, Lemelson teaches an apparatus for establishing communications between a calling station and a called station (see abstract). At least one called station comprising a memory storing information in a database (figure 3, element 19). A transceiver (figure 3, element 24) comprising a receiver for receiving a communications request including a query (column 8, lines 47-51) specifying at least one criterion and a transmitter for responding to said communication request when said information stored in said database satisfies said at least one criterion (column 10-lines 25-33). Lemelson further teaches a comparator for comparing information stored in said database with said at least one criterion (column 2, lines 8-

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10). Lemelson also teaches of providing an element for performing the step of opening a communications link with individual stations from which a response is received (column 2, lines 9-15).

Regarding claims 2, 3 and 12, Lemelson discloses a global positioning system (figure 2) and a GPS receiver for storing current location information in said database including a communication request containing at least one criterion based on location (column 1, lines 57-65).

Regarding claim 4, Lemelson teaches a proximity detector for providing relative location information about nearby objects based on apparatus location (column 2, lines 34-37). A computing device for calculating location information independent of said apparatus location and information provided by said GPS (column 3, lines 65-67).

Regarding claim 5, Lemelson teaches a status detector for storing information about the status of said apparatus in said database (column 1, lines 40- 46).

Regarding claim 6, Lemelson teaches said status request includes at least one criterion based on status (column 1, lines 47-50).

Regarding claims 7, 8 and 21 Lemelson teaches said database stores information about history of said apparatus and said communication request include at least one criterion based on history (column 1, lines 51-56).

Regarding claims 22 and 23, Lemelson teaches a system comprising a network for connecting stations (column 6, lines 59-64), a plurality of stations where at least some of which include a database (column 10, lines 23-25), an network channel for sending communication

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request including a query (column 1, lines 40-45) and a network communication channel for communicating between said originating station and those stations at which information is stored. Lemelson further teaches said system being a cellular system (see abstract) .

Regarding claims 24-26, Lemelson teaches of a computer program comprising a memory medium where said computer program is stored on said memory medium and said computer program comprising instructions for sending a communications request from an originating station to other stations including a query against information stored and instructions for receiving a response from only individual stations at which information stored satisfies the query. Program further comprises information stored at a called station is location information (column 6, lines 45-59)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 13- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson as applied to claims 1 and 10 above.

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Regarding claim 9 and 13, Lemelson discloses address mapping display (figure 4, element 42D) but fails to specifically disclose touch screen display. However, examiner takes official notice that “touch screen display” are well known in the art and therefore it would have been obvious to one of ordinary skill at the time the invention was made to improve Lemelson display to a touch screen display because touch screen displays are simpler to use, require less physical components and provide a more convenient method for the user to enter data as well as provide a larger screen for viewing.

Regarding claim 14 and 15, Lemelson teaches a receiver for receiving a response from at least one station having a data base having information which satisfies said query, said response includes information about location of at least one station (column 1, lines 40- 45). A global positioning satellite receiver (figure 2) and a display initiating a communication request when a location on said display is requested (column 10, lines 5-13). However, Lemelson fails to specifically disclose touch screen display. However, examiner takes official notice that “touch screen display” are well known in the art and therefore it would have been obvious to one of ordinary skill at the time the invention was made to improve Lemelson display to a touch screen display because touch screen displays are simpler to use, require less physical components and provide a more convenient method for the user to enter data as well as provide a larger screen for viewing.

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6. Claims 16- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al in view of Drori et al.

Regarding claim 16, Lemelson teaches a computer (figure 4, element 42), a memory connected to a bus (figure 4, element 42M) storing information in a database, and a receiver and transmitter connected to a bus (figure 4, element 6). However, Lemelson fails to disclose said computer responding to said communication request when said information stored in said database satisfies at least one criterion. However, Drori does teach a computer responding to said communication request when said information stored in said database satisfies at least one criterion (column 18, lines 40-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the computer means taught by Drori to Lemelson's invention in order to provide a more efficient way to control function in which said computer is controlling and further allow for communication from an outside source.

Regarding claim 17, Lemelson fails to disclose said computer controls vehicle functions and in which an authorized user may preempt control of said which functions over said receiver. However, Drori does disclose a method for integrating a cellular telephone with a vehicle security. More specifically, Drori teaches a method for a vehicle owner to telephone the vehicle once it has been discovered that the vehicle has been stolen and a command to stop the engine is received (column 2, lines 28-43). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an outside control means for said computer

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installed in said vehicle in order to allow for further anti-theft resistance, and a faster recovery of said vehicle.

Regarding claim 18, Lemelson fails to disclose a hands free telephone in which said computer activates said hands free telephone under a control request over said receiver. However, Drori teaches handset telephone (figure 1, element 14) where said handset is activated by computer (figure 1, element 20) under a control request (column 5, lines 9-17). Therefore it would have been obvious to one of ordinary skill at the time the invention was made to provide said handset to Lemelson's invention in order to allow for communication between said thief or person in vehicle and an outsider trying to communicate with said person. Lemelson also fails to prove said handset telephone as a hands free telephone, however, official notice is taken that it is well known in the art to utilize a hands free telephone in vehicles, and therefore would have been obvious to make said handset a hands free handset because hands free telephones are more practical and safer to use while driving.

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Response to Arguments

1. Applicant's arguments filed on 8-17-98 have been fully considered but they are not persuasive.

Regarding claims 1-8, 10-12 and 19-26, applicant argues that Lemelson (reference # 5,731,785) does not disclose a database which stores status, location and/or history information on board a vehicle. Furthermore applicant argues that Lemelson does not teach a receiver for receiving a communication request including a query specifying at least one criterion for searching said database and a transmitter for responding to said communication request. However, examiner would like to point out that Lemelson, column 8, lines 22-28 teach employing an object identifying information contained in said inquiry signal to access a database and retrieve additional information relating to the object. It is therefore examiner opinion that Lemelson does cover NEW claim limitation of said database.

Regarding claim 10, applicant argues that examiner failed to provide a reference that teaches an input device for specifying a query for searching information stored in said database at one or more called stations. However, Lemelson does provide these NEW limitations column 3, lines 17-23.

Examiner note: Applicant argues said references fail to show said database. Applicant should be reminded that although including a database in said calmed invention and hence changing the scope of said invention. Said database is however taught by Lemelson.

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Regarding claims 16-18, applicant argues that examiner is incorrect in his combination. However, examiner respectfully submits that applicant should be reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 305-9051, (for formal communications intended for entry)

Or: (703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is (703) 308-9322. The examiner can normally be reached on Monday- Thursday (first week of bi-week) and Monday- Friday (second week of bi-week) from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reinhard Eisenzopf, can be reached at (703) 305-4711.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 305-4700.

Edan Orgad

10/18/98


REINHARD J. EISENZOPF
SUPERVISORY PATENT EXAMINER
GROUP 2700
10-26-98